

EXHIBIT 9

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, ET AL., :
:
Plaintiff, :
: Case No.
v. : 1:23-cv-00108-LMB-JFA
:
GOOGLE LLC, :
:
Defendant. :
:

VIDEOTAPED DEPOSITION OF SUSAN A. MCMEEN
Thursday, September 7, 2023; 9:45 a.m. EDT

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,
CLR, RSA, NYRCR, NYACR, CA CSR 14409, NJ CCR
30XI00244600, NJ CRT 30XR00019500, Washington State CSR
23005926, Oregon CSR 230105, TN CSR 998, NW CSR 589,
Remote Counsel Reporter, LiveLitigation Authorized
Reporter, Notary Public
Job No. 6067835

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1 Videotaped Deposition of SUSAN A. MCMEEN,	1 A P P E A R A N C E S (Continued):
2 held at the law offices of Paul, Weiss, Rifkind,	2 Attorneys for Plaintiff:
3 Wharton & Garrison LLP, 2001 K Street, Northwest,	3 U.S. DEPARTMENT OF TRANSPORTATION
4 Washington, D.C. 20006, before Cindy L. Sebo,	4 ERIN D. HENDRIXSON, ESQUIRE
5 Registered Merit Court Reporter, Certified Real-Time	5 ASHLEY SIMPSON, ESQUIRE
6 Reporter, Registered Professional Reporter, Certified	6 1200 New Jersey Avenue, Southeast
7 Shorthand Reporter, Certified Court Reporter, Certified	7 Washington, D.C. 20590
8 LiveNote Reporter, Real-Time Systems Administrator,	8 erin.hendrixson@usdot.gov
9 California Shorthand Reporter 14409, New Jersey	9 ashley.simpson@usdot.gov
10 Certified Court Reporter 30XI00244600, New Jersey	10
11 Certified Realtime Reporter 30XR00019500, New York	11 Attorneys for Defendant:
12 Realtime Certified Reporter, New York Association	12 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
13 Certified Reporter, Washington State CSR 23005926,	13 CARTER E. GREENBAUM, ESQUIRE
14 Oregon CSR 230105, Tennessee CSR 998, New Mexico	14 MARTHA L. GOODMAN, ESQUIRE
15 CSR 589, Remote Counsel Reporter, LiveLitigation	15 2001 K Street, Northwest
16 Authorized Reporter and Notary Public, beginning at	16 Washington, D.C. 20008-1047
17 approximately 9:45 a.m. EDT, when were present on	17 cgreenbaum@paulweiss.com
18 behalf of the respective parties:	18
19	19
20	20
21	21 ALSO PRESENT:
22	22 ORSON BRAITWAITHE, Videographer
Page 3	Page 5
1 A P P E A R A N C E S:	1 --oOo--
2 Attorneys for Plaintiff:	2 INDEX OF EXAMINATION
3 U.S. DEPARTMENT OF JUSTICE	3 SUSAN A. MCMEEN
4 ANTITRUST DIVISION	4 United States, et al. vs. Google, LLC
5 MARK H.M. SOSNOWSKY, ESQUIRE	5 Thursday, September 7, 2023
6 DAVID GROSSMAN, ESQUIRE	6 --oOo--
7 ALVIN CHU, ESQUIRE	7
8 450 Fifth Street, Northwest	8 EXAMINATION BY PAGE
9 Washington, D.C. 20530	9 Mr. Greenbaum 15, 187
10 202.412.7316	10
11 mark.sosnowsky@usdoj.gov	11
12 david.grossman@usdoj.gov	12
13 alvin.chu@usdoj.gov	13
14	14
15	15 CERTIFICATE OF REPORTER 426
16	16
17	17 ERRATA 428
18	18 ACKNOWLEDGMENT OF WITNESS 429
19	19
20	20
21	21
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1	--oOo--		1	--oOo--		
2	INDEX TO EXHIBITS (Continued)		2	INDEX TO EXHIBITS (Continued)		
3	SUSAN A. MCMEEN		3	SUSAN A. MCMEEN		
4	United States, et al. vs. Google, LLC		4	United States, et al. vs. Google, LLC		
5	Thursday, September 7, 2023		5	Thursday, September 7, 2023		
6	--oOo--		6	--oOo--		
7	DEPOSITION		7	DEPOSITION		
	EXHIBIT NUMBER	DESCRIPTION		EXHIBIT NUMBER	DESCRIPTION	PAGE
8			8			PAGE
9	Exhibit 109	E-mail string with attachment,	9	Exhibit 115	Collection of documents,	
10		Bates stamped	10		Bates stamped	
11		NHTSA-ADS-0000250045 through	11		NHTSA-ADS-0000733231 through	
12		NHTSA-ADS-0000250049	276		NHTSA-ADS-0000733298	369
13	Exhibit 110	E-mail with attachment, McMeen	13	Exhibit 116	E-mail string, Bates stamped	
14		to Vallese, cc: McMeen, January	14		NHTSA-ADS-0000648144 through	
15		24, 2023, Bates stamped	15		NHTSA-ADS-0000648146	378
16		NHTSA-ADS-0000328452 through	16		Exhibit 117	E-mail string, Bates stamped
17		NHTSA-ADS-0000328455	299	17		NHTSA-ADS-0000484070 through
18	Exhibit 111	Determination and Finding	18		NHTSA-ADS-0000484071	388
19		checklists, Bates stamped	19			
20		NHTSA-ADS-0000718826 through	20			
21		NHTSA-ADS-0000718831	332	21		
22			22			
		Page 11		Page 13		
1	--oOo--		1	--oOo--		
2	INDEX TO EXHIBITS (Continued)		2	PROCEEDINGS		
3	SUSAN A. MCMEEN		3	--oOo--		
4	United States, et al. vs. Google, LLC		4	Washington, D.C.		
5	Thursday, September 7, 2023		5	--oOo--		
6	--oOo--		6	Thursday, September 7, 2023; 9:45 a.m. EDT		
7	DEPOSITION		7	--oOo--		
	EXHIBIT NUMBER	DESCRIPTION				
8			8	THE VIDEOGRAPHER: Good morning.		
9	Exhibit 112	E-mail with attachment, McMeen	9	We are going on the record at 9:45 a.m.		
10		to Susan and John, September	10	on September 7th, 2023.		
11		29, 2022, Bates stamped	11	Please note that the microphones		
12		NHTSA-ADS-0000384605 through	12	are sensitive and may pick up whispering		
13		NHTSA-ADS-0000384607	343	and private conversations. Please mute		
14	Exhibit 113	E-mail string, Bates stamped	13	your phones at this time.		
15		NHTSA-ADS-0000511601 through	14	Audio and video recording will		
16		NHTSA-ADS-0000511602	345	continue to take place unless all parties		
17	Exhibit 114	E-mail string with attachment,	15	agree to go off the record.		
18		Bates stamped	16	This is Media Unit 1 of the		
19		NHTSA-ADS-0000344712 through	17	videorecorded deposition of		
20		NHTSA-ADS-0000344848	358	Ms. Susan McMeen, in the matter of		
21			21	United States, et al. versus Google LLC,		
22			22	filed in the United States District		

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1 you --	1 MR. SOSNOWSKY: Same objection.
2 A. February, March. I don't remember	2 THE WITNESS: No.
3 when.	3 BY MR. GREENBAUM:
4 Q. Okay. What was your understanding,	4 Q. At this time, what are your
5 prior to him reaching out to you, of any	5 feelings or views on your personal participation
6 anticompetitive conduct on the part of Google	6 in providing the information that Mr. Lynch
7 affecting NHTSA's advertising?	7 requested of you?
8 MR. SOSNOWSKY: So I'm going to	8 MR. SOSNOWSKY: Objection to form.
9 instruct -- object on the grounds of	9 I just need a moment to take a
10 privilege.	10 look at that question.
11 To the extent that your answer	11 (Whereupon, counsel reviews the
12 would contain information received from	12 real-time screen).
13 counsel, I would instruct you not to	13 MR. SOSNOWSKY: You can answer
14 answer. But you can answer that question	14 that question as long as you're not
15 otherwise if you have that information.	15 divulging the specifics of what
16 BY MR. GREENBAUM:	16 information was requested of you or what
17 Q. And to be clear, I'm asking you for	17 information you provided to counsel.
18 your understanding prior to Mr. Hench reaching	18 THE WITNESS: Okay.
19 out to you.	19 Can you repeat the question?
20 MR. SOSNOWSKY: Or any other	20 BY MR. GREENBAUM:
21 counsel, I would assume.	21 Q. At this time, what are your
22 MR. GREENBAUM: Well, Mr. Hench	22 feelings or views on your personal participation
Page 319	Page 321
1 was the first.	1 in providing information requested by Mr. Lynch?
2 BY MR. GREENBAUM:	2 MR. SOSNOWSKY: Same objections.
3 Q. So do you want me to ask the	3 THE WITNESS: So his name is
4 question again?	4 actually Hench, not Lynch.
5 A. Sure, that would be lovely.	5 BY MR. GREENBAUM:
6 Q. What was your understanding of any	6 Q. Hench?
7 anticompetitive conduct on the part of Google	7 A. Hench.
8 affecting NHTSA's advertising prior to Mr. Hench	8 Q. Thanks.
9 reaching out to you concerning this matter?	9 Okay.
10 A. I don't remember anything.	10 A. Just wanted to clarify that.
11 Q. Prior to Mr. Hench reaching out to	11 I'm just doing my job.
12 you, did you have any views as to whether NHTSA	12 Q. Did you ask Stratacomm for help to
13 had been affected by any anticompetitive conduct	13 provide information to Mr. Hench to respond to
14 on the part of Google?	14 his inquiry?
15 MR. SOSNOWSKY: Object to form.	15 MR. SOSNOWSKY: So that's a
16 THE WITNESS: Can you repeat the	16 yes-or-no question, and you can answer it
17 question?	17 yes or no.
18 BY MR. GREENBAUM:	18 THE WITNESS: I, personally, did
19 Q. Prior to Mr. Lynch [sic] reaching	19 not.
20 out to you, did you have any views as to whether	20 BY MR. GREENBAUM:
21 NHTSA had been affected by any anticompetitive	21 Q. Did you ask Ad Council?
22 conduct on the part of Google?	22 MR. SOSNOWSKY: Same instructions.

<p style="text-align: right;">Page 426</p> <p>1 C E R T I F I C A T E 2 I, Cindy L. Sebo, Nationally Certified Court 3 Reporter herein do hereby certify that the foregoing 4 deposition of SUSAN A. MCMEEN was taken before me 5 pursuant to notice; that said witness was duly sworn 6 remotely by a certified stenographer to tell the truth, 7 the whole truth, and nothing but the truth under penalty 8 of perjury; that the testimony of said witness was 9 correctly recorded to the best of my ability in machine 10 shorthand and thereafter transcribed under my 11 supervision with computer-aided transcription; that the 12 deposition is a true and accurate record of the 13 testimony given by the witness; and that I am neither of 14 counsel nor kin to any party in said action, nor 15 interested in the outcome thereof.</p> <p>16  17 Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR, CLR, 18 RSA, NYRCR, NYACR, CA CSR #14409, NJ CCR 19 30XI00244600, NJ CRT 30XR00019500, 20 Washington CSR 23005926, Oregon State 230105, 21 TN CSR 998, NM CSR 589, Remote Counsel 22 Reporter, LiveLitigation Authorized Reporter, Notary Public</p>	<p style="text-align: right;">Page 428</p> <p>1 E R R A T A 2 WITNESS: SUSAN A. MCMEEN 3 DATE: September 7, 2023 4 CAPTION: United States, et al. versus Google LLC 5 PAGE LINE REASON FOR CHANGE: 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 DATE SUSAN A. MCMEEN</p>
<p style="text-align: right;">Page 427</p> <p>1 E R R A T A 2 WITNESS: SUSAN A. MCMEEN 3 DATE: September 7, 2023 4 CAPTION: United States, et al. versus Google LLC 5 PAGE LINE REASON FOR CHANGE: 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ </p>	<p style="text-align: right;">Page 429</p> <p>1 ACKNOWLEDGMENT OF WITNESS 2 3 I, SUSAN A. MCMEEN, do hereby certify that I 4 have read the foregoing pages herein, and that the same 5 is a correct transcription of the answers given by me of 6 the proceedings taken remotely to the questions therein 7 propounded under penalty of perjury, except for the 8 corrections or changes in form or substance, if any, 9 noted in the attached errata sheet.</p> <p>10 11 12 13 DATE SIGNATURE 14 15 Subscribed and sworn to before me 16 this ____ day of _____, 20 _____. 17 18 My Commission expires: 19 _____ 20 _____ 21 _____ 22 Notary Public</p>